

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to waste tire management and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 116, “Registration of Waste Tire Haulers,” and Chapter 117, “Waste Tire Management,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455D.11(7) and 455D.11I(7).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455D.11A(5) and 455D.11I(6) and 2021 Iowa Acts, House File 560.

Purpose and Summary

Chapters 116 and 117 collectively establish standards for the proper management of waste tires. Specifically, the rules set forth requirements for the disposal, collection, storage, processing, and beneficial use of waste tires. They also require permits, require the registration of waste tire haulers, and dictate certain industry fees.

The purpose of this proposed rule making is to align Chapters 116 and 117 with their recently amended authorizing statutes. Iowa Code sections 455D.11A(5) and 455D.11I(6) as amended by 2021 Iowa Acts, House File 560, made several substantive changes to the waste tire program. The following amendments are proposed, consistent with the legislation:

- Remove pre-1998 financial assurance requirements;
- Increase the amount of financial assurance from \$.35 to \$2.50 for each tire stored by a waste tire collector and from \$.85 to \$2.50 for each tire held for more than three days by a waste tire processor; and
- Change the bond amount required for waste tire haulers from \$10,000 to \$150,000.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 28, 2021. Comments should be directed to:

Mel Pins
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: mel.pins@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held by conference call as follows. Persons who wish to attend the conference call should contact Mel Pins via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Mel Pins prior to the hearing to facilitate an orderly hearing.

September 28, 2021
9 to 10 a.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 116.6(1) as follows:

116.6(1) An application for registration or renewal shall not be approved by the department until the waste tire hauler has provided a bond in the sum of a minimum of ~~\$10,000~~ \$150,000 on a form prescribed by the commissioner of insurance.

ITEM 2. Amend subrule 117.7(2) as follows:

117.7(2) *Financial assurance amounts required.*

a. Waste tire stockpile sites shall have financial assurance coverage equal to ~~35-cents~~ \$2.50 per waste tire collected and stored ~~prior to July 1, 1998, and 85 cents per waste tire collected and stored on or after July 1, 1998.~~

~~*b.* If the owner or operator of a waste tire stockpile does not have adequate records to determine the time frame within which waste tire inventories were initially collected, then financial assurance amounts shall be determined by allocating the number of tires stored proportionally between the time period the facility has operated before and after July 1, 1998.~~

~~*c.*~~ *b.* Waste tire processing sites shall have financial assurance coverage equal to ~~85-cents~~ \$2.50 per waste tire stored above the permitted three-day processing capacity, in accordance with 117.6(3) "b."